

U.S. Serial No. 09/837,844
Attorney Docket No. PD-200297

REMARKS

The March 13, 2006, Final Office action, claims 1-21, 23-76 and 78-110 were rejected as unpatentable under the doctrine of obviousness type double patenting over the claims of co-pending Application No. 09/837,843. Claims 1, 23-29, 56 and 78-84 were rejected as anticipated by Vallone (U.S. Patent No. 6,847,778). Claims 1-2, 30, 38-47, 53-57, 85, 93-96, 107-109 were rejected as anticipated by Wood (U.S. Pub. No. 2002-0054752). Claims 1-4, 6, 9, 13-14, 17, 56-59, 61, 64, 68-69 and 72 were rejected as anticipated by Hassell (U.S. Pub. No. 2004-0128685). The remaining claims were rejected as obvious in view of the above references.

By way of this amendment, claims 1, 2, 23, 56, 57 and 78 have been amended. Claims 1-21, 23-76, and 78-109 are pending at issue, with claims 1 and 56 now being independent. As explained below, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

Obviousness-Type Double Patenting

Applicant previously submitted a terminal disclaimer with regard to co-pending Application No. 09/837,843 which is to the same assignee with the December 20, 2005 Amendment. Applicant is enclosing a copy of the terminal disclaimer previously submitted. Applicant respectfully submits the terminal disclaimer overcomes the double patenting rejections.

Rejections Under 35 U.S.C. §§ 102 and 103

The claims in the present application relate to a method and apparatus for processing available content such as a program from a video source such as digital or satellite television signals. The recorder receives the available content using a single tuner. The recorder performs at least one of a plurality of operations on the available content received from the single tuner. The plurality of operations includes selecting

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at least one recorded event from the available content based on a thumbnail, preview, or snippet.

In contrast, all of the cited references describe video recorders which record an entire program for later playback. None of these recorders use a snippet, preview or thumbnail for tagging of programs for later selection by a user.

The Final Office action cites paragraph 40 of Wood as support for selecting a recorded event based on thumbnail, preview or snippet (pp. 8-9). However, paragraph 40 of Wood merely provides textual description for the selection such as "names of actors and actresses, director, ratings information, textual descriptions of the show, etc." Wood does not disclose or suggest using a visual indicator such as a thumbnail, preview or snippet to select the program.

Similarly, Vallone discloses a video recorder with an interface that is overlaid on programming displayed on a television. Vallone also does not disclose use of a snippet, thumbnail, preview or other visual reference for selecting the recording of the program.

Finally, Hassell is directed toward an interactive program guide having the capability to store programs from the guide. As with the other references, Hassell does not disclose the capability to select recorded programs based on a visual indicator such as a thumbnail, preview or snippet. The Examiner has cited paragraphs 29, 35 and 37 for the proposition that Hassell discloses selecting a recorded event via a thumbnail, preview or snippet. A closer examination of these paragraphs reveals that they merely describe providing text information or parts of text information relating to the program. Paragraph 29 of Hassell refers to a guide using program listings which include a program type, theme or alphabetic sorting of the program name. Paragraph 29 only refers to textual information as seen in Figure 6 which

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shows the listings referenced in paragraph 29 which is not a visual indicator such as a thumbnail, preview or snippet. Paragraph 35 similarly only discloses additional textual information such as the title of the selection, description, channel, cast members, available languages etc. Paragraph 35 also notes video formats as additional information, but this is also textual information as shown in Figure 6 and not a visual indicator. Paragraph 37 also only includes textual information previously referenced in paragraph 29 and 35. The information referenced in Hassell is not a visual indicator used to select a previously recorded program such as a thumbnail, preview or snippet.

In order to further distinguish the claims at issue, Applicant has amended claims 1 and 56 to include selecting programs based on a thumbnail, preview or snippet. Neither Wood nor Hassell disclose nor suggest selecting recorded programs based on a thumbnail, preview or snippet. Applicant respectfully submits that claims 1 and 56 are allowable over Wood, Hassell and the other cited references. Claims 2-21 and 23-55 depend from claim 1 and claims 57-76 and 78-109 depend from claim 56 and are similarly allowable.


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For these reasons, it is respectfully submitted that the pending claims (1-21, 23-76, and 78-109) are in condition for allowance. If, for any reason, the examiner is unable to allow the application in the next Office action, the examiner is encouraged to telephone the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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